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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/608,735 | 06/27/2003 | Donald J. Polak | 03-087 | 7698 |

7590

07/01/2004

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| EXAMINER |
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WUJCIAK, ALFRED J

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| ART UNIT | PAPER NUMBER |
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3632

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,735

Applicant(s)

POLAK ET AL.

Examiner

Alfred Joseph Wujciak III

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

This is the first Office Action for the serial number 10/608,735, ONE-PIECE MOLDED CLAMP, filed on 6/27/03.

Specification

The disclosure is objected to because of the following informalities: "EPDM" on page 2, line 29 is indefinite because the examiner does not know what "EPDM" stands for. The specification did not explain about "EPDM".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4, line 2, "second jaw" should be changed to ---first jaw--- for clarification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1, 4-5 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 4,669,688 to Itoh et al.

Itoh et al. teaches one piece molded clamp (figure 1) comprising a first jaw (4) having an inward facing surface, an outward facing surface, a first end and a second end. The clamp includes a second jaw (5) unitarily formed with the first jaw, the second jaw having an inward facing surface, an outward facing surface, a first end and a second end. The outward facing surface of the second jaw comprises at least one notch (21). The first jaw comprises a tension strap (7) having at least one through-aperture through (26) releasably engaged with at least one notch of the second jaw. The tension strap extends from the inward facing surface of the first jaw. The second ends of the first and second jaws further comprise means (12) to mount the clamp on a surface.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itoh et al. in view of US Patent # 6,164,604 to Cirino et al.

Itoh et al. teaches the first and second jaws having inward facing surfaces but fails to teach the inward facing surfaces having at least one protrusion thereon. Cirino et al. teaches the inward facing surfaces having at least one protrusion thereon (12). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added protrusion to

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Itoh et al.'s inward facing surfaces as taught by Cirino et al. to prevent cable from rotating within the first and second jaws.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Itoh et al. in view of US Patent # 4,766,651 to Kobayashi et al.

Itoh et al. teaches the surface but fails to teach the surface is a body of a vehicle. Kobayashi et al. teaches the surface (S) is the body of vehicle. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have used Itoh et al.'s clamp on surface of vehicle as taught by Kobayashi et al. to provide storage for cable inside of the vehicle without interfering other object.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Itoh et al. in view of US Patent # 5,930,872 to McBride et al.

Itoh teaches the clamp but fails to teach the clamp is made of a polymer. McBride et al. teaches the clamp (10) is made of a polymer. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Itoh's clamp material to polymer as taught by McBride et al. to provide designer's preference of material to be used for clamping an object.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Itoh et al. in view of US Patent # 6,496,094 to May III.

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Itoh et al. teaches the clamp but fails to teach the clamp is made of rubber. May III teaches the clamp (12) is made of rubber. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Itoh's clamp material to rubber as taught by May III to provide designer's preference of material to be used for clamping an object.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Itoh et al. in view of US Patent # 3,827,093 to Davis.

Itoh et al. teaches the clamp but fails to teach the clamp is made of synthetic rubber. Davis teaches the clamp (18) is made of rubber. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Itoh's clamp material to synthetic rubber as taught by Davis to provide designer's preference of material to be used for clamping an object.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent # 5,782,090 to Locke

US Patent # 5,725,185 to Auclair

US Patent # 6,206,331 to Keith et al.

US Patent # 3,954,238 to Nivet

US Patent # 5,305,978 to Current

US Patent # 4,564,163 to Barnett

US Patent # 5,367,750 to Ward

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US Patent # 6,355,887 to Gretz

US Patent # 6,443,403 to Page et al.

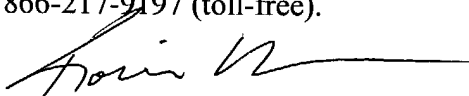
Locke, Auclair, Keith et al., Nivet, Current, Barnett, Ward, Gretz and Page et al. teach clamp with intergral strap or band for securing an object in the clamp.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III
Examiner
Art Unit 3632 *AJW*


Korie Chan
Primary Examiner
Art Unit 3632

6/23/04